

NATIONAL CANNERS ASSOCIATION



Information Letter



FOR N. C. A. MEMBERS

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Would Change Procedure in Food Law Cases

A bill (S. 4235) has been introduced by Senator Williams of Missouri that would modify the procedure of the Government authorities in cases arising under the Food and Drugs Act. The bill would provide, among other things, that after taking a sample or before seizure, the Secretary of Agriculture would be required to give notice thereof to the party interested, who, if he desires, might have a hearing before a board composed of a chemist appointed by the Secretary of Agriculture, a lawyer appointed by the Secretary of the Treasury, and a third member named by the Secretary of Commerce. This board would certify its findings to the Secretary of Agriculture, and if the facts justified prosecution or seizure for violation of the law, the Secretary of Agriculture would proceed as provided under Section 4 or Section 10 of the Food and Drugs Act.

The bill would also limit the seizure to one shipping case of the article involved, except where the analyst or other officer making examination certifies under oath that it contains poison or consists in whole or in part of a filthy decomposed or putrid animal or vegetable substance, etc. The bill was referred to the Senate Committee on Agriculture and Forestry.

Owing to the press of business in Congress, there is no likelihood of action during the present session. Prompt notice will be given to the industry of any developments in connection with the proposed legislation.

U. S. Standards for Fresh Peas

Standards for fresh peas (1926) have been announced by the Bureau of Agricultural Economics of the U. S. Department

of Agriculture for voluntary acceptance by the trade. Standards for tomatoes were published in Information Letter 151 and those for corn in Letter 159. The text of the standards for fresh peas as announced by the Bureau of Agricultural Economics follows:

U. S. No. 1 shall consist of peas of similar varietal characteristics which are fresh, tender, well filled, firm, of reasonably uniform maturity, free from excessive moisture, decay, mildew injury, freezing injury and from damage caused by hail, dirt, leaves, or other foreign matter, disease, insects, or mechanical or other means.

In order to allow for variations incident to proper grading and handling, not more than 10 per cent, by weight, of any lot, may be below the requirements of this grade but not more than one-half of this tolerance or 5 per cent, shall be allowed for defects causing serious damage, and not more than one-tenth of this tolerance or 1 per cent shall be allowed for decay.

Unclassified shall consist of peas which are not graded in conformity with the foregoing grade.

Definitions of terms as used in these grades:

"Similar varietal characteristics" means that the peas in any container shall be of the same color and general type.

"Reasonably uniform maturity" means that the peas in any container shall be of about the same stage of maturity.

"Free from excessive moisture" means that the peas shall not be water-soaked.

"Damage" means any injury from the causes mentioned which materially affects the appearance or edible quality.

"Serious damage" means any injury that seriously affects the edible or shipping quality. Peas affected with mildew injury and freezing injury shall be considered as being seriously damaged.

Customs Classification of Tomato Paste

Last December the Board of General Appraisers decided that certain merchandise invoiced as "Salsa di Pomodoro" was dutiable at 40 per cent ad valorem as tomato paste, against the claim of the importer that it was tomato sauce and dutiable at 15 per cent ad valorem (Treasury Decision 50727).

The importer appealed from this decision on March 25th to the Court of Customs Appeals (Suit 2742). It appears that under the regular procedure this case will not be heard by the

Court before next Fall. The Association has written to the Assistant Attorney General in charge of Customs cases, offering to assist in any possible way in supporting the decision of the Board. Suggestions or offers of assistance from any of our members who are familiar with the manufacture or sale of more or less concentrated tomato products will be appreciated.

Freight Loadings Continue Heavy

Loadings of revenue freight for the week ended May 1 totaled 995,641 cars, an increase of 11,568 cars over the same week last year and of 82,091 cars above the same week two years ago. The total for the week ended May 1 was also an increase of 22,337 cars above the preceding week this year.

From January 1 to May 1 inclusive the railroads handled 16,777,076 cars, which is the heaviest freight traffic, so far as loading of revenue freight is concerned, that has ever been moved by the rail carriers during any corresponding period, exceeding the same period last year by 283,764 cars or 1.7 per cent and the same period in 1924 by 777,285 cars or 4.9 per cent.

Decisions on Tariff Rates

Sustaining the claims of importers, Judge Waite of the Board of General Appraisers in a recent decision has held that certain sausages of pork, salt and spices in hermetically sealed tins are dutiable as prepared pork at the rate of 2 cents per pound under Paragraph 703 of the Tariff Act. The appraiser had returned them for duty as prepared or preserved meat at the rate of 20 per cent ad valorem under paragraph 706, and the importers protested.

In an opinion reversing the Board of General Appraisers, the U. S. Court of Customs Appeals has held that scallions put up in vinegar are dutiable at 35 per cent ad valorem as pickled vegetables under paragraph 773 of the Tariff Act. The appraiser in this case assessed the duty at 35 per cent, and the Board of General Appraisers sustained the importer's protest that the duty was properly at the rate of one cent per pound under Paragraph 768. The Customs Court then reversed the Board.

Ripe olives in casks are properly dutiable as fruits preserved, under paragraph 749 of the Tariff Act at 35 per cent ad valorem, according to a decision of the Board of General Appraisers, which has sustained a protest by importers against the

ruling of the collector of customs who classified them as olives in brine dutiable under paragraph 744 at the rate of 20 cents per gallon.

Would Extend Liability of Initial Carriers

The United States Senate has passed with a minor amendment the bill (S. 1344) introduced by Senator Sheppard which would amend the Interstate Commerce Act so as to extend the existing liability of the initial carrier for loss, damage or injury to property transported on a through bill of lading. Under the present law the shipper has a right to hold the initial carrier responsible for loss or damage occurring to the shipment on any line participating in the haul, but cannot hold the initial carrier responsible for damage or loss to a shipment if it is reconsigned and diverted while en route. S. 1344 would amend the law so as to extend the liability of the initial carrier to such reconsigned shipments.

Must Mark Individual Cans

In correction of an earlier announcement, Commerce Reports states that the Cuban regulations on canned milk require that a statement indicating the date of packing and maximum period of good condition must be placed on the individual cans. The earlier announcement said that such statement must appear on the cases, and was noted in Information Letter 154.

Figures compiled by the Federal Reserve Board from reports made by 524 retail firms in all sections of the country indicate that retail sales in April were 2 per cent smaller than in April last year.

Norway's exports of fish products in 1925 were 295,159 tons as compared with 323,257 tons in 1924. Canned fish exports dropped from 40,275 tons in 1924 to 29,504 tons in 1925.

During 1925 there were shipped to the United States from Lower California 22,392,842 pounds of fresh fish, including lobsters. The one small cannery in that territory exported products to the value of \$57,033, chiefly canned and dried abalone, with a small quantity of lobsters.